



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 13, 2007

The Honorable Judith Spang, Chairperson
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 663, relative to making an appropriation to implement the Comprehensive Shoreland Protection Act

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 663-FN, which would appropriate funds to support additional staff and education and outreach efforts to implement RSA 438-B, the Comprehensive Shoreland Protection Act (CSPA). The Department of Environmental Services (DES) takes no position on whether the proposed appropriation should be enacted by the Legislature. However, we strongly support the purpose of this bill, which is to enhance the effectiveness and long term implementation of the CSPA. As discussed below, we also have concerns that the proposed appropriation amount and staffing level and other services expected to be provided by DES are not well aligned.

In 2005, the Legislature established the CSPA Commission to review the effectiveness of the CSPA by passage of Senate Bill 83. In 2006, after 13 months of review, the CSPA Commission filed a final report outlining its conclusions, as well as 17 recommendations for improving the effectiveness of the CSPA. One conclusion was that the current CSPA staff of two people is inadequate to effectively implement the program and, therefore, the CSPA Commission recommended an allocation of \$600,000 per year to support additional staff and an additional \$150,000 per year for outreach and education. HB 663-FN would authorize half of the Commission's recommended funding level for the State Fiscal Year 2008-09 biennium.

In the HB 663-FN fiscal note, DES estimated that, with the assumption that virtually all of the proposed funds (\$375,000 per year) would be used for staff and related costs, the proposed appropriation could support a maximum of 5 environmentalist positions, with little funding remaining for other outreach and education materials and development costs. Therefore, creation of all 6 new staff positions proposed in HB 663-FN at the appropriate labor grades cannot occur at the bill's stated funding level. We recommend that the language of HB 663-FN be revised to synchronize the proposed funding with the staffing levels and other expenses that can be supported. This can be accomplished by amending the bill language to reflect the assumptions in the DES fiscal note or otherwise adjusting the language concerning the supported program elements funded by HB 663-FN to match the proposed funding level.

Again, thank you for this opportunity to comment on this bill. Please feel free to call Harry Stewart at 271-3308, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Representatives O'Connell, Essex, and Sanders